

Advisory Opinions on Consent Agenda - June 2021

Item #	Docket #	Caption	Analysis	Recommendation
G5	2020-870	Advisory opinion request regarding whether the members of the Cenla Area Agency on Aging, Inc. Board of Directors are required to file annual personal financial disclosure statements pursuant to R.S. 42:1124.2.1.	Cenla Area Agency on Aging, Inc. is not a board or commission as defined by R.S. 42:1124.2.1; therefore, its members are not required to file annual personal financial disclosure statements.	Adopt proposed advisory opinion.
G6	2021-103	Withdrawal of an Advisory Opinion request from Sheryl Frederick on behalf of John Salter, member of the Natchitoches Parish Council.	Mr. Salter has asked that his request be withdrawn as it is moot. He was not appointed to the board or commission.	Allow withdrawal of the advisory opinion request.
G7	2021-149	Request for an advisory opinion and disqualification plan from Stephanie Goudeau, Interim Director at Slaughter Community Charter School relative to her husband being employed at the school. Slaughter has a population of 997 and is located in East Feliciana Parish.	Since Mr. Goudeau was employed for more than a year prior to the initial employment of his wife as well as her promotion to Interim Director, his continued employment with the charter school is not prohibited. In addition, the disqualification plan submitted is compliant with R.S. 42:1112C and the Rules for the Louisiana Board of Ethics.	Approve disqualification plan.

Item #	Docket #	Caption	Analysis	Recommendation
G8	2021-177	Advisory Opinion request of Ricky White, former employee of the Office of Motor Vehicles, regarding post-employment restrictions.	Section 1121B(1) would not prohibit Ricky White from being employed by West Monroe Driving Academy as a driving instructor, since he did not participate in driving instruction classes while employed by OMV, and he will not be providing the same services on behalf of OMV through the driving academy. Section 1121B(1) would prohibit Mr. White, for a period of two years following his retirement, from being employed by a Tag & License company to provide driver's licenses, vehicle registrations, and reinstatement services, since he would be rendering the same services on behalf of OMV through a contractual relationship between the Tag Title & License company and OMV.	Adopt draft advisory opinion.
G9	2021-223	Advisory Opinion request from Jared Gibbs, Supervisor of Business Services for West Baton Rouge Parish Schools, with regard to his service on the Louisiana Public Schools Risk Management Agency (LARMA) Board of Trustees.	Section 1112 would not prohibit Jared Gibbs from participating in matters involving LARMA if he is elected as a member of the Pointe Coupee Parish School Board, since LARMA is not a person for purposes of the Code.	Adopt the proposed advisory opinion.

Item #	Docket #	Caption	Analysis	Recommendation
G10	2021-224	Advisory Opinion Request from Cassandra Billiot relating to a part-time employment opportunity with a non-profit organization.	To the extent her duties with The Haven would be unrelated to her duties as an employee of the St. Tammany Parish Coroner's Office, there would be no violation of La. R.S. 42:1111A or La. R.S. 42:1111C(1)(a). Also, to the extent that The Haven is not seeking to obtain contractual or other business or financial relationships with the St. Tammany Parish Coroner's Office, there would be no violation of La. R.S. 42:1111C(2)(d).	Adopt proposed advisory opinion.
G11	2021-225	A Request for an Advisory Opinion, submitted by Jamea Walker regarding whether the Louisiana Code of Governmental Ethics ("Code") would prohibit her from starting a driving school in Donaldsonville, Louisiana while an employee of the Louisiana Department of Public Safety and Corrections ("DOC").	Based on the facts presented, the Code does not prohibit Ms. Walker from starting a driving school. Owning and operating a driving school would not be prohibited under La. R.S. 42:1111(C)(1)(a) because she would not be "receiving any thing of economic value for any service, the subject matter of which is devoted substantially to the responsibilities, programs, or operations of the agency of the public servant and in which the public servant has participated." Parolees and probationers that Ms. Walker supervises would be prohibited from attending Ms. Walker's driving school. Lastly, Ms. Walker should avoid appearing to compel or coerce coworkers, parolees, and probationers to attend her driving school.	Adopt the proposed advisory opinion.

Item #	Docket #	Caption	Analysis	Recommendation
G12	2021-242	A Request for an Advisory Opinion, submitted by Kisha Laurent Gaudin, MAOM, CET of the City of New Orleans - Department of Public Works, regarding whether the Louisiana Code of Governmental Ethics ("Code") would prohibit Khalid Saleh's continued employment with the City of New Orleans - Department of Public Works ("DPW") as the Project Manager Supervisor while his son, Lufti Saleh, is employed with International Logistical Support, who has existing contracts with DPW.	Based on the facts presented, the Code does not prohibit Khalid Saleh's continued employment with DPW as the Project Manager Supervisor while his son, Lufti Saleh is employed with International Logistical Support, who has existing contracts with the DPW. Lufti Saleh does not possess a controlling interest in ILSI. Therefore, the continued employment of Khalid Saleh would not violate La. R.S. 42:1113(A)(1)(a). Lufti Saleh would be prohibited from working on contracts with Halid Saleh's agency - the Operations Division of the DPW. Additionally, Lufti Saleh would be required to disclose the income that he receives from ILSI pursuant to La. R.S. 42:1114 if there is any contractual, financial, or business relationship with DPW-Operations Division.	Adopt the proposed advisory opinion.
G13	2021-243	Advisory Opinion request from Allie Allen, Compliance Officer for Northwest La. Human Services District, regarding the District's purchase of a plaque given to a local pharmacist.	Since Mr. Hayes is not a public employee, he would not be subject to the gift prohibitions in 1115 in this situation. However, since this request concerns past conduct, the Board should decline to render an opinion. An information sheet concerning prohibited gifts has been provided to Ms. Allen.	Decline to render an opinion due to past conduct.

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G14	2021-244	Advisory Opinion request from Jeffrey T. Nolan, former Environmental Scientist Manager for the La. Dept. of Environmental Quality, regarding post-employment restrictions.	Generally, Section 1121B(1) will not prohibit Jeffrey Nolan from providing consulting services to private individuals or entities on administrative and civil regulatory issues, provided that he did not participate in those specific administrative and civil regulatory transactions while employed by DEQ. Should a specific situation arise in which he participated at any time during his employment with DEQ, Mr. Nolan should seek an additional advisory opinion.	Adopt the proposed advisory opinion.
G15	2021-246	Advisory Opinion request from William Meliet, a former Manager of Construction Services for the Port of New Orleans, relative to post-employment restrictions involving Kostmayer Construction, LLC that would like to provide services on a project involving the Port of New Orleans.	Since Mr. Meliet did not participate in the Jourdan Road Terminal Wharf - Substructure Repairs while he was employed with the Port of New Orleans, he would not be prohibited by the Code of Ethics from assisting Kostmayer as a Construction Management at Risk Contractor for the Jourdan Road Terminal Wharf - Substructure Repairs project.	Adopt the proposed advisory opinion draft.

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G16	2021-248	Advisory Opinion request from La'Keisha Ealy, an employee of the Dept. of Children and Family Services, regarding her operating a driver's education school in East Baton Rouge Parish.	<p>The Code will not prohibit La'Keisha Ealy from operating a driver's education school since driver's education is not substantially related to the programs and responsibilities of her agency, the DCFS Arrears Collection Unit. Ms. Ealy should be cautioned that Section 1111C(2)(d) will prohibit her from providing compensated services to any of the following persons: (1) a person with a contractual, business, or financial relationship with the Arrears Collection Unit; (2) a person whose conduct is regulated by the Arrears Collection Unit; and (3) a person who has substantial economic interests which can be affected by her duties as an employee of DCFS. Should a potential conflict of interest arise regarding a specific person, Ms. Ealy should seek an additional advisory opinion. Additionally, Ms. Ealy should be cautioned she is prohibited from participating in any transaction involving DCFS in which she may have a substantial economic interest and from using the authority of her employment with DCFS to compel or coerce any person to provide her or her business anything of economic value.</p>	Adopt the proposed advisory opinion.

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G17	2021-249	A Request for an Advisory Opinion, submitted by Phlesher Mingo, regarding whether the Louisiana Code of Governmental Ethics ("Code") would prohibit him from owning a private driving school while he is the Supervisor of Child Welfare and Attendance for Bogalusa City School District.	Based on the facts presented, the Code would not prohibit Mr. Mingo from owning and operating a private driving school. Owning and operating a private driving school would not be prohibited under La. R.S. 42:1111(C)(1)(a) because Mr. Mingo would not be "receiving any thing of economic value for any service, the subject matter of which is devoted substantially to the responsibilities, programs, or operations of the agency of the public servant and in which the public servant has participated." Additionally, owning and operating a private driving school where Bogalusa City School District students might attend would not be prohibited under La. R.S. 42:1111(C)(2)(d) because he does not teach any within the Bogalusa City School District. Accordingly, Bogalusa City School District students would not be prohibited sources. Mr. Mingo should avoid appearing to compel or coerce employees, students, or parents of the Bogalusa City School District to attend his driving school. The Board should otherwise decline to issue an opinion on whether he is qualified to own a driving school.	Adopt the proposed advisory opinion.
G18	2021-250	Advisory Opinion from Eileen Bates-McCarroll, Mayor of the Town of Albany, relating to a member of the town's Planning and Zoning Commission performing surveying services.	As Mr. Kinchen would be entering into a transaction that is not under the supervision or jurisdiction of his agency, there would be no violation of La. R.S. 42:1113B.	Adopt proposed advisory opinion.

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G19	2021-258	Advisory Opinion Request from Edward R. Wedge, III, current DOTD employee, regarding the application of the post-employment prohibitions.	For a period of two years following his termination, Mr. Wedge may not participate in transactions, or assist a prospective employer in transactions, that he worked on during his employment with DOTD. Further, any private entity in which he is an officer, director, trustee, partner, or employee, is prohibited, for a period of two years following his termination, from assisting a private individual or entity in a transaction, or in an appearance in connection with a transaction in which Mr. Wedge participated while employed by DOTD. Accordingly, he would not be prohibited from working with DOTD on projects that he did not participate in while at DOTD.	Adopt proposed advisory opinion.
G20	2021-259	Advisory Opinion Request regarding whether the Code of Governmental Ethics prohibits Robert Hebert, an Assistant Fire Chief for Westwego in Jefferson Parish, from serving as the Westwego Fire Chief while continuing to serve as an Assistant Fire Chief.	La. R.S. 42:1112A prohibits Robert Hebert from participating in a transaction in which he has a substantial economic interest. As fire chief, Mr. Hebert would be compelled to participate in transactions in which he has a substantial economic interest as assistant fire chief.	Adopt the proposed advisory opinion.

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G21	2021-263	Request for an advisory opinion from Melissa M. Grand, attorney for Sunset French Immersion School, relative to whether a board member can provide collateral to Sunset French Immersion School Foundation to secure financing to purchase property which in turn will be leased to the school.	It would be a violation for Jerry Domengeaux to provide collateral and personal guaranty on the loan to the Foundation as well as Domengeaux's Lumber Depot to sell material to Lambright Construction for purposes of building the building the school would lease. Further, Christopher Domengeaux is not prohibited from being employed with Lambright Construction; however, he would be prohibited from working on the construction of the school building. Further, he would have to disclose his receipt of any thing of economic value from Lambright Construction under Section 1114 as long as Lambright Construction has a contract or other agreement to build the school building.	Adopt the proposed advisory opinion draft.
G22	2021-270	Request for Disqualification Plan approval submitted by Robert L. Hammonds, General Counsel for the Lafayette Parish School Board, regarding the employment of Allison Champagne and her mother, Kathy Aloisio.	The proposed disqualification plan meets the requirements of Chapter 14 of Title 52 of the Louisiana Administrative Code - Rules of the Board of Ethics to prevent a potential violation of Section 1112B(1).	Approve the proposed disqualification plan.